

Notice of Allowability

Application No.

10/534,820

Examiner

David D. Le

Applicant(s)

BEER ET AL.

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed on 15 December 2005.
2. ☒ The allowed claim(s) is/are 38-74.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 05/03/05
- ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
- ☐ Notice of Informal Patent Application
- ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

DETAILED ACTION

1. This is the first Office action on the merits of Application No. 10/534,820, filed 15 December 2005. Claims 38-74 are pending.

Documents

2. The following documents have been received and filed as part of the patent application:
 - Declaration and Power of Attorney, received on 12/15/05
 - Foreign Priority Document, received on 05/03/05
 - Information Disclosure Statement, received on 05/03/05

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicants' attorney, Michael J. Bujold, on 29 November 2007.

The application has been amended as follows:

Specification:

- Paragraph [045], line 4, "H-shifting diagram" has been amended as --H-shifting diagram (pattern)--.

- Paragraph [104], line 5, “the diagonal shifting diagram 79, 80” has been amended as --the diagonal shifting diagram (pattern) 79, 80--.

Claim 38:

- Line 5, “a shifting diagram” has been amended as --a shifting pattern--.
- Lines 7-8, “the gear transmission ratio steps selectable within a gearshift path” has been amended as --the gear transmission ratio steps selectable within the gearshift path--.

Claim 39:

- Line 5, “or” has been amended as --and--.

Claim 42:

- Line 2, “or” has been amended as --and--.
- Line 3, “the gearshift medium” has been amended as --a gearshift medium--.
- Line 4, “one of gearshift forks, or gearshift rockers” has been amended as --one of gearshift forks and gearshift rockers--.

Claim 44:

- Lines 3-5, “positioned at one of a same location on the shift finger shaft (1), or axially behind each other in such a way, that the shift finger (2, 3, 4, 5, 6, 7, 8)

point radially into one of a same, or in opposite direction” has been amended as --
positioned at one of a same location on the shift finger shaft (1) and axially
behind each other such that the shift finger (2, 3, 4, 5, 6, 7, 8) points radially into
one of a same, or in opposite direction--.

Claim 47:

- Line 2, “in such a way, that” has been amended as --such that--.

Claim 51:

- Line 2, “diagram” has been amended as --pattern--.

Claim 53:

- Line 2, “in such a way, that” has been amended as --such that--.

Claim 57:

- Lines 2-3, “one of at least one shift finger width (84), or three shift finger widths (84)” has been amended as --one of at least one shift finger width (84) and three shift finger widths (84)--.

Claim 58:

- Line 2, “in such a way, that” has been amended as --such that--.

Claim 59:

- Line 2, “in such a way, that” has been amended as --such that--.

Claim 61:

- Lines 2-3, “in such a way, that” has been amended as --such that--.

Claim 65:

- Line 2, “in such a way, that” has been amended as --such that--.

Claim 68:

- Line 3, “whereby” has been amended as --wherein--.

Claim 71:

- Lines 1-2, “a motor vehicle transmission according to claim 38, wherein the transmission contains a shifting device, having” has been amended as --A motor vehicle transmission comprising a shifting device, wherein the shifting device includes--.
- Line 6, “diagram” has been amended as --pattern--.
- Line 8, “the gear transmission ratio steps selectable within a gearshift path” has been amended as --the gear transmission ratio steps selectable within the gearshift path--.

Allowable Subject Matter

4. Claims 38-74 are allowed.
5. The following is an examiner's statement of reasons for allowance:

Claim 38:

The prior art of record fails to show or render obvious a shifting device comprising a plurality of gearshift packages, a plurality of sliding selector shafts, a first gearshift lever, a shifting pattern, a conversion device, an axially displaceable shift finger shaft, and a plurality of gearshift frames, as recited in claim 38; specifically, wherein the axially displaceable shift finger shaft respectively penetrates an opening of gearshift frames connected with the sliding selector shafts.

Claim 71:

The prior art of record fails to show or render obvious a motor vehicle transmission comprising a shifting device having a plurality of gearshift packages, a plurality of sliding selector shafts, a first gearshift lever, a shifting pattern, a conversion device, an axially displaceable shift finger shaft, and a plurality of gearshift frames, as recited in claim 71; specifically, wherein the axially displaceable shift finger shaft respectively penetrates an opening of gearshift frames connected with the sliding selector shafts.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Norum et al. (U. S. Patent No. 7,093,511) teaches a dual clutch transmission having a shifting device, as shown in Fig. 2.
- Pels et al. (U. S. Patent No. 6,634,247) teaches a double-clutch transmission having a shifting device, as shown in Fig. 23.
- Leimbach et al. (U. S. Patent No. 6,427,548) teaches an automatic transmission having a shifting device, as shown in Figs. 3-10.
- Malott et al. (U. S. Patent No. 4,391,158) teaches a manual shift transmission, as shown in Fig. 5.
- Wolfe (U. S. Patent No. 4,170,148) teaches a speed change transmission having a shifting device, as shown in Fig. 3.

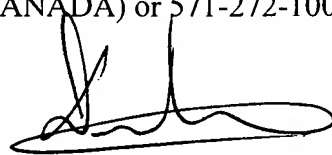
Application/Control Number:
10/534,820
Art Unit: 3681

Page 8

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 571-272-7092. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David D. Le
Primary Examiner
Art Unit 3681
11/29/2007

ddl